

C<sup>4</sup> 27. (Amended) [The] A composition comprising an oligonucleotide [according to claim 9] comprising a nucleotide sequence which corresponds to a 3'-end side nucleotide sequence of the DNA according to any one of claims 2 to 4 and a diagnostically or pharmaceutically acceptable carrier.

REMARKS

Claims 22 and 29 have been cancelled as superfluous. Additionally, Claims 10 and 11 have been rewritten in independent form and Claims 2, 7-9, 23-25 and 27 have been to better depend from their antecedent claims and/or more specifically recite various preferred embodiments of the present invention. Accordingly, no new matter has been added.

Initially, Applicants wish to acknowledge the Examiner's indication that Claims 2-7 recite subject matter which is unpatentable and unobvious over the prior art and that Claims 23, 24, 26 and 28 also are not rejected over the prior art.

However, claims 2-11 and 22-29 stand rejected under 35 U.S.C. §112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject

matter of the present invention. Additionally, claims 23, 24, 26 and 28 stand objected to under 35 U.S.C. §1.75(c) as being of improper dependent form. In response, the claims have been amended in conformity with the Examiner's kind suggestions.

Claims 8 and 9 stand rejected under 35 U.S.C. §102 as anticipated by Hillier (3/1995) and claims 25 and 27 stand rejected as anticipated by Hillier (2/1995) for the reasons noted. Additionally, claims 10, 11, 22 and 29 stand rejected under 35 U.S.C. §103 as obvious over Hillier (3/1995) in view of Alberts (1994). This rejection is respectfully traversed.

As the Examiner correctly points out, the ESTs disclosed in Hillier are portions of the DNA of the present invention. However, Hillier neither disclose nor suggest use of the ESTs as a composition with a pharmaceutically or diagnostically acceptable carrier.

Moreover, Hillier neither discloses nor suggests that the ESTs relate to an IgA nephropathy. Accordingly, although Albert discloses an analysis of mRNA using a Northern blot, neither Hillier nor Albert disclose nor suggest a diagnosis method of an IgA nephropathy using the analysis of mRNA.

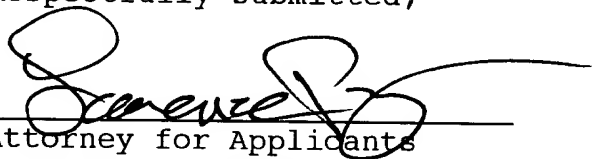
In view of the above amendments and remarks,

Applicants submit that all of the Examiner's concerns are now overcome and the claims are now in allowable condition. Accordingly, reconsideration and allowance of this application is earnestly solicited.

Claims 2-11 and 23-28 remain presented for continued prosecution, claims 2-7, 23, 24, 26 and 28 having already been indicated as allowed or allowable over the prior art.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should be directed to our below listed address.

Respectfully submitted,

  
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Attorney for Applicants  
Lawrence S. Perry  
Registration No. 31,865

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

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